

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL STUART,)	
)	
Plaintiff,)	
)	
v.)	No. 4:22-CV-309 JAR
)	
WARREN COUNTY SHERIFF'S)	
DEPARTMENT, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Self-represented plaintiff Michael Stuart commenced this 42 U.S.C. § 1983 civil action in March 2022, alleging deliberately indifferent medical care for his type II diabetes while confined at the Warren County Jail. ECF No. 1. On May 25, 2022, the Court granted Plaintiff's motion for leave to proceed *in forma pauperis*, directed him to pay an initial partial filing fee of \$1.00, and ordered him to file a second amended complaint within thirty (30) days. ECF No. 5. The Court cautioned Plaintiff that his failure to timely comply with the Order would result in the dismissal of the case without further notice. Plaintiff's response was due on June 24, 2022.

To date, Plaintiff has neither responded to the Court's Order, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to Plaintiff's failure to comply with the Court's May 25, 2022 Order and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed "by the control necessarily vested

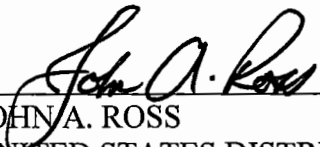
in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases”); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff’s failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 11th day of July, 2022.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE